

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE BANK OF AMERICA CORP.
SECURITIES, DERIVATIVE, AND
EMPLOYEE RETIREMENT INCOME
SECURITY ACT (ERISA) LITIGATION

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Master File No. 09 MD 2058 (PKC)
----- X ECF Case

THIS DOCUMENT RELATES TO

The Consolidated Securities Action

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DEFENDANT KENNETH D. LEWIS' JOINDER
IN BOFA'S OPPOSITION TO PLAINTIFFS'
MOTION FOR PARTIAL SUMMARY JUDGMENT

Defendant Kenneth D. Lewis, by and through his undersigned counsel, hereby joins in defendants Bank of America Corporation's and Banc of America Securities LLC's Memorandum of Law in Opposition to Plaintiffs' Motion for Partial Summary Judgment (the "Opposition Memorandum") and Counterstatement of Material Facts Pursuant to Rule 56.1 and Response to Plaintiffs' Statement of Undisputed Material Facts, dated June 29, 2012. To the extent plaintiffs' motion applies to the claims against Mr. Lewis, for the reasons set forth in the Opposition Memorandum, plaintiffs have failed to meet their burden of establishing their right to summary judgment as to the purported falsity and materiality of the statements attributable to Mr. Lewis.

Dated: New York, New York
June 29, 2012

Respectfully submitted,

DEBEVOISE & PLIMPTON LLP

/s/Andrew J. Ceresney

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